REMARKS

Reconsideration of the present application is respectfully requested. Claims 15, 16, 20, 23 and 27 have been amended only to correct minor informalities, not in response to the rejections. No new matter has been added.

Oath/Declaration

The Office noted that the signature of Shmuel Melamed is missing from the declaration. Applicants respectfully point out that a petition was filed under 37 C.F.R. § 1.47 on June 14, 2001 and was granted per decision of the Office mailed on August 13, 2001.

Specification

Cross-Reference to Related Applications

The Office noted that "CROSS-REFERENCE TO RELATED APPLICATIONS (Copending applications) is missing", and that, "Appropriate correction is required." (Office Action, p. 3) Applicants respectfully traverse. The MPEP and 37 C.F.R. § 1.77 do not require a patent application to include a cross-reference to related applications. Note that 37 C.F.R. § 1.77(b) merely indicates where it is preferable to place such information within a patent application, if the applicant chooses to include it. The MPEP and C.F.R. invariably use the words "must" or "shall" to indicate when something is mandatory, while the word "should" is used to indicate a preferred way of doing something. Nowhere does the C.F.R. or the MPEP state that a patent application "must" or "shall" include a cross-reference to related applications. In fact, it is

noteworthy that the C.F.R. and MPEP do not even say that such information "must" or "shall" be placed in the order specified in 37 C.F.R. § 1.77; they merely state that it "should" appear in the order indicated.

In view of the lack of any legal requirement for a cross-reference to related applications, and given the inherent potential ambiguity in determining whether any two applications are "related", Applicants respectfully decline the Office's invitation to add such information to the present application.

Notwithstanding the foregoing, Applicants are aware of the duty of disclosure imposed by 37 C.F.R. § 1.56 and believe they are in full compliance with such duty.

Title

The title of the present application has been amended. However, Applicant has declined to include the term "Java" in the amended title, as suggested by the Office, since at least some claims of the present invention are not limited to use with Java Archive files, and the specification specifically states that the invention can be applied in other contexts (see, e.g., p. 5, lines 22-24; p. 19, lines 24-25).

Drawings

Applicants have amended Figure 2 to add the label "Prior Art", as suggested by the Office. However, Applicants decline to amend Figure 4 in this manner, since Applicants do not agree with the Office's assertion that the subject matter illustrated in Figure 4 is "old", and the Office has not supported that assertion with any evidence.

Section 112 Rejections

Claim 2 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite, due to its inclusion of the term "a ZIP file end-of-central directory record". Applicants respectfully traverse this rejection, because this term is clearly defined in Applicants' specification at p. 20, lines 14-19, and the feature is also illustrated in Figure 6.

Prior Art Rejections

Claims 1-51 stand rejected under 35 U.S.C. § 103(a) based on U.S. Patent no. 6,230,184 of White et al. ("White"). Applicants respectfully traverse the rejections.

To establish a *prima facie* case of obviousness, three basic criteria must be met: First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. Finally, the prior art reference or references must teach or suggest all of the claim limitations. In re Vaeck, 947 F.2d 488, 20 USPQ.2d 1438 (Fed. Cir. 1991); MPEP § 706.02(j) (emphasis added). Furthermore, not only must the cited combination show all of the claim limitations, but the claimed subject matter as a whole must be obvious in view of the cited art. 35 U.S.C. § 103(a).

Claim 1 recites:

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1. A method of streaming an archive file from a server to a client device, the method comprising:

at a server, extracting ones of a plurality of modules from a first archive file;

streaming the **extracted** modules from the server to the client device;

. receiving the streamed modules at the client device;

automatically **constructing a second archive file at the client device**, the second archive file **comprising the received modules**; and

providing data from at least one of the received modules in the second archive to an executing application. (Emphasis added.)

White fails to disclose or even suggest such a method. White discloses a technique intended to optimize execution of a computer program. The technique includes creating an optimized file 730 on a server 751 (col. 12, line 46 to col. 13, line 16; Fig. 7). The optimized file 730 contains the files that are necessary to reach a desired state when the program is executed on a computer system, such as a client computer. The optimized file 730 can be a Java Archive (JAR). In response to a request from a client, the optimized file 730 is sent to the client, where its contents are extracted and used to bring the client to the desired state.

In contrast with claim 1, however, White does not disclose or suggest extracting modules from an archive file on the server, nor does White provide any motivation why it would be desirable to do so. In White, the optimized file 730 is sent to the client as an intact archive. Col. 13, lines 12-14. (In this regard, the technique in White is essentially the same as the prior art technique mentioned in Applicants' specification at p. 21, lines 15-16, which is different from the claimed invention.) Further, the so-called additional files 770 in White (Fig. 7) also cannot be read on the claim limitation in question, since they are not part of an archive file (although White states that the optimized program 730 "comprises" the additional files 770, the optimized program 730 is not an archive;

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an "archive" is a term of art, and White specifically uses the term "archive" or "JAR" or the like where he intends to refer to an archive.) Thus, White does not disclose or suggest extracting modules from an archive file on the server, in contrast with claim 1.

White also does not disclose streaming modules which have been extracted from an archive on the server to the client device, as recited in claim 1. The Office admits that White does not disclose "the use of streaming extracted from the server to the client" (Office Action, p. 7). However, the Office takes Official Notice that "both the concept and the advantages of providing the streaming data to the user is well known and expected in the art." Applicants dispute, however, that the use and advantages of streaming modules extracted from an archive file on a server is well known in the art. Applicants request that the Office either withdraw this contention or support it with evidence (i.e., by citing prior art).

In addition, White also does not disclose or suggest "automatically constructing a second archive file at the client device, the second archive file comprising the received modules," as recited in claim 1 (emphasis added).

Moreover, there is absolutely no suggestion or motivation in White as to why it would be desirable to perform any of the actions referred to above, or to achieve the claimed method as a whole.

For all of the foregoing reasons, therefore, claim 1 and all claims which depend on it are patentable over the cited art.

Claim 11 recites:

11. A computer-implemented method of transmitting data in an archive file from a server device to a client device, the client device comprising an execution environment configured to provide ones of a collection of logically separate files in a received archive file to an executing application in an execution-time determined order, the method comprising:

    at the server device, extracting ones of a collection of logically separate files from a first archive file; and

    streaming **the extracted ones of the separate files** from the server device to the client device. (Emphasis added).

Applicants' remarks above also apply to claim 11 as to the emphasized limitations. Therefore, for similar reasons, claim 11 and all claims which depend on it are also patentable over the cited art.

Claim 20 recites:

20. A data storage apparatus comprising instructions to configure a computerized device to:

    receive archive structure data from another computer, the archive structure data specifying a structure of a first archive file;

    receive from the other computer ones of the plurality of modules **derived from the first archive file**;

    in accordance with the archive structure data, **construct a second archive file from the received ones of the plurality of modules to produce a second archive file functionally equivalent to the first archive file**. (Emphasis added.)

Applicants' remarks above also apply to claim 20 as to the emphasized limitations. Therefore, for similar reasons, claim 20 and all claims which depend on it are also patentable over the cited art.

Claim 24 recites:

24. A data storage apparatus comprising instructions to configure a computer to:

        automatically extract a collection of logically separate modules **from a first archive file**; and

        stream **the extracted modules** to a client device. (Emphasis added.)

White does not disclose or suggest streaming to a client device a collection of logically separate modules which have been <u>automatically extracted</u> from an archive file, as discussed above. Therefore, claim 24 and all claims which depend on it are also patentable over the cited art.

Claim 27 recites:

27. A system for transferring information modules between computers, the system comprising:

1) **a first computer**, the first computer comprising:

        a. means for executing an application,

        b. means for receiving a sequence of modules associated with the application and constructing an archive file comprising the received sequence of modules while the application is executing, and

        c. means for integrating a first module in the constructed archive file with the application; and

2) **a second computer**, the second computer comprising:

        a. means for **extracting** a collection of modules associated with the application **from an archive file**, and

        b. means for transferring **the extracted modules** from the second computer **to the first computer**. (Emphasis added.)

Applicants' remarks above also apply to claim 27 as to the emphasized limitations. Therefore, for similar reasons, claim 27 and all claims which depend on it are also patentable over the cited art.

Dependent Claims

In view of the above remarks, a specific discussion of the dependent claims is considered to be unnecessary. Therefore, Applicants' silence regarding any dependent claim is not to be interpreted as agreement with, or acquiescence to, the rejection of such claim or as waiving any argument regarding that claim.

Conclusion

For the foregoing reasons, the present application is believed to be in condition for allowance, and such action is earnestly requested.

If any additional fee is required, please charge Deposit Account No. 02-2666.

Respectfully submitted,
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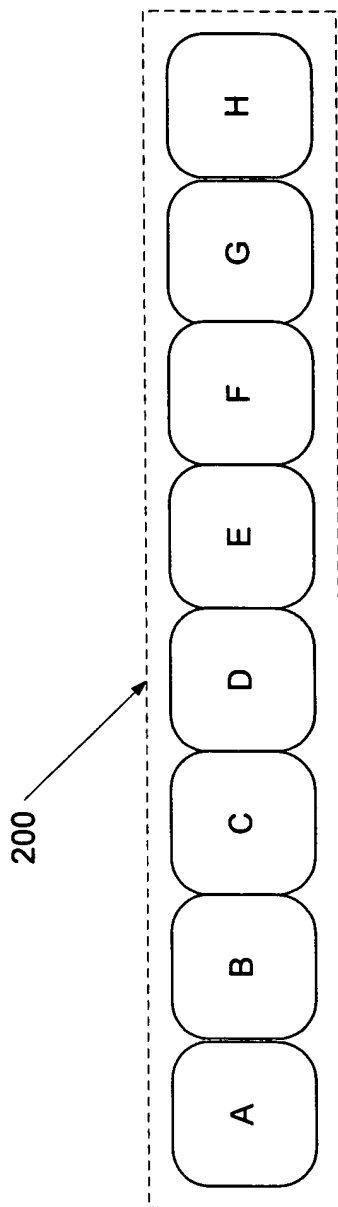
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Annotated Sheet Showing Changes

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| A | B | C | D | E | F | G | H |

Fig. 2
(Prior Art)